

M/BS/022
CC: Paul
Daron

Close Window

Send To Printer

The Salt Lake Tribune

<http://www.sltrib.com>

Article Last Updated: 2/28/2006 03:01 AM

Builders win court fight with Bluffdale

Zoning dispute: A judge's ruling clears the way for development and a possible transfer of land to nearby Herriman

By Jacob Santini
The Salt Lake Tribune
Salt Lake Tribune

There goes the neighborhood. And the shopping center, and thousands of homes along rolling foothills.

Bluffdale - if a 3rd District judge's ruling on Monday stands - could lose all of that potential building and the southern 38 percent of its landmass. Judge Anthony Quinn ruled that the city unfairly treated developers, and nearly 4,000 acres can be de-annexed and become part of Herriman.

Quinn, in his 35-page ruling, said he didn't side with developers because of a contested zoning decision; it was the city's treatment of the developers that allows them to disconnect.

"While justice and equity do not require any specific outcomes from a planning and zoning process, they do require that the planning process be fair, expeditious and consistent" Quinn wrote.

"The Bluffdale process as applied to South Farm [owned by Sorenson Real Estate] lacks these elements."

Bluffdale, however, isn't saying goodbye to the land just yet.

"We kinda expected this," Bluffdale Mayor Claudia Anderson said, promising that the city will appeal the decision. "We feel the ruling is legally flawed."

Her argument: Quinn should never have held a trial because the dispute was a zoning decision. Just because the developers don't like how the city planned to zone the land, they shouldn't be able peddle their land to another community.

The two developers - Sorenson Real Estate and Development Associates - control more than 1,700 acres. The rest is owned by individuals and other companies.

The property owners wish the city wouldn't take up more time with an appeal.

"I think they would be wasting the city's money," said Sorenson's chief executive officer, James Lee Sorenson.

Sorenson Real Estate began trying to develop its portion of the land in 1993. It envisioned low- and high-density housing, a retail center surrounding the proposed Mountain View Transportation Corridor and other development.

City officials blocked that plan, with many arguing the land should have one home on each 1-acre lot. Sorenson filed a lawsuit requesting the disconnect, and Development Associates joined in, believing it would get the same treatment.

A four-day bench trial ended Feb. 2. The city's attempt to craft a new deal with the developers failed. Now, the prospect of an appeal to bring the developers and city back to a negotiating table could be remote.

"We didn't go to trial to try to get Bluffdale to come back to a settlement agreement," said Dave Millheim, managing partner of Development Associates. "I don't see any room for negotiation."

Apparently, the judge agrees.

"In the current climate, it is simply not possible to negotiate with the city," Quinn wrote. "The city's administration has in effect become an agent with no authority."

A group of residents known as Bluffdale United has blocked three resolutions between the city and developers.

In one instance, residents ran a referendum to block a zone change. Anderson, however, believes if a new deal is struck, residents won't fight it. Residents spokesman Chris Brockbank could not be reached for comment.

The developers are hoping to start working on annexation and construction plans with Herriman, Bluffdale's neighbor to the west.

What will the development look like?

Sorenson said he doesn't plan to change much. An earlier agreement - scuttled by residents - called for an overall housing density of 2.6 units per acre.

He said, however, plans could change to include a "little more density."

jsantini@sltrib.com

Judge Anthony Quinn's ruling

- * The area is not dependent on Bluffdale's services.
- * Justice and equity require the disconnection.
- * Cost of services wouldn't increase in Bluffdale.
- * Bluffdale can survive without the land.
- * The disconnection would not create a "peninsula" of land from one community protruding into the boundaries of another.
- * Salt Lake County can provide services until the land is annexed into Herriman.
- * The developers have no other remedy.